

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

ABDUL AL-HAKEEM AFIZ, a/k/a
MIRON TAYLOR, Register No. 350138,

Plaintiff,

v.

JACKIE PETRI,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

No. 09-4005-CV-C-NKL

ORDER

On March 16, 2009, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims, without prejudice. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted. The court notes plaintiff has submitted a document purporting to pay the full filing fee. Plaintiff's handwritten document is not an acceptable payment of the fee.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that plaintiff is denied leave to proceed in forma pauperis and his claims are dismissed, without prejudice, pursuant to 28 U.S.C. § 1915(g). It is further

ORDERED that plaintiff is denied leave to proceed in forma pauperis on appeal.

Nanette Laughrey

NANETTE K. LAUGHREY
United States District Judge

Dated: 7-31-09
Jefferson City, Missouri